

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
) Case No.
vs.) 14-CR-3106-MDH
)
)
ANTHONY M. MASSONI,)
)
Defendant.)

CHANGE OF PLEA
BEFORE THE HONORABLE M. DOUGLAS HARPOOL
WEDNESDAY, MAY 25, 2016; 1:06 P.M.
SPRINGFIELD, MISSOURI

APPEARANCES:

FOR THE PLAINTIFF: MR. RANDY EGGERT
UNITED STATES ATTORNEY'S OFFICE
901 St. Louis, Ste. 500
Springfield, Missouri 65806

FOR THE DEFENDANT: MR. SHANE P. CANTIN
CARVER, CANTIN & MYNARICH
901 E. St. Louis, Ste. 1600
Springfield, MO 65806

COURT REPORTER: MS. JEANNINE RANKIN, RPR, CSR
UNITED STATES DISTRICT COURT
222 N. Hammons Parkway
Springfield, MO 65806

Proceedings recorded by mechanical stenography;
transcript produced by computer.

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USA v ANTHONY M. MASSONI

CASE NO. 14-CR-3106-MDH

CHANGE OF PLEA

May 25, 2016

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THE COURT: We are here to consider a change of plea by defendant Anthony M. Massoni. Who appears on behalf of the United States?

MR. EGGERT: Randy Eggert for the United States Attorney's Office, Your Honor.

THE COURT: And on behalf of the defendant?

MR. CANTIN: Shane Cantin here with Mr. Massoni, Your Honor.

THE COURT: Mr. Massoni, would you stand.

My name is Doug Harpool. I'm the federal district judge that has responsibility to preside over the case and charges that are pending against you. That means it's my job to make sure that you get the rights to which you're entitled, make sure that we follow the proper procedures. In order for a defendant to change a plea, there are certain findings that I have to make to make sure that the circumstances surrounding the change of plea are appropriate and legal and to find out that you understand the consequences of that decision. Do you understand that's why we're here today?

THE DEFENDANT: Yes, Your Honor.

1 THE COURT: I'm going to ask you several questions
2 and we're going to make a record of the issues that I need to
3 cover. You'll need to be under oath so that I have sworn
4 testimony to support any finding I might make regarding your
5 change of plea. Okay?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Raise your right hand, please.

8 (Defendant duly sworn by Court.)

9 THE COURT: Now, because you're under oath, please
10 make sure that you understand my questions before you answer
11 them. I'd be glad to rephrase any question that you don't
12 understand. If a issue concerning your rights come up, you
13 feel free to lean over and whisper to your attorney whatever
14 questions you might have and we'll give you time to get that
15 resolved. Okay?

16 THE DEFENDANT: Okay. Yes, Your Honor.

17 THE COURT: State your full name.

18 THE DEFENDANT: Anthony Mark Massoni.

19 THE COURT: And your age?

20 THE DEFENDANT: Forty-two.

21 THE COURT: What is your educational background?

22 THE DEFENDANT: High school diploma.

23 THE COURT: You can read and write?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: The Court has been presented a plea

1 agreement. Did you sign that plea agreement?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Did you read the plea agreement?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Have you had the opportunity to discuss
6 the plea agreement with your attorney?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: I don't want you to tell me anything
9 precisely that your client told you, but I want to see if
10 certain topics were covered. Did he talk to you about the
11 strengths and weaknesses of the government's case against you?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Did he talk to you about the potential
14 range of punishment that you would face if you pled guilty?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Did you talk about the benefits and
17 pitfalls of a decision to plead guilty?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Did he talk to you about your rights to
20 a jury trial?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Were there general discussions about the
23 process that would be followed during sentencing?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Do you feel you've had the opportunity

1 to ask your lawyer all the questions that you have about your
2 plea?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Are you satisfied that he was able to
5 answer those questions?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Are you satisfied with the services he's
8 provided you?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: One of the findings I have to make is
11 pertaining to your understanding or competency to participate
12 in these proceedings, so I'm going to ask you some questions
13 and I ask them of every defendant. I don't want you to think
14 I'm insinuating anything by my questions but in order to make
15 our record complete, they're topics I need to cover.

16 Do you believe that you are competent to participate
17 in this hearing?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Have you been competent during the
20 period of time that you have discussed with your lawyer the
21 provisions of the plea agreement?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Are you now or have you been at any time
24 during the discussions of the plea agreement under the
25 influence of any street drug?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Any prescription medication?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Any that impacts your ability to
5 understand or perceive information?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: Have you been under the influence of any
8 alcohol at any time that you've been discussing this plea
9 agreement or are you now?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: Do you suffer from any mental illness?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: Do you know of any reason why you would
14 not have been competent to have discussed the terms of the
15 plea agreement with your attorney or to participate in this
16 hearing today?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: I asked you earlier if you signed the
19 agreement. Was that a decision you came to voluntarily
20 considering the circumstances in which you find yourself?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Has anybody threatened you or your
23 family members or anyone you care about with any type of
24 financial harm or physical injury in order to try to persuade
25 you to change your plea to guilty?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Has anybody made any promises to you or
3 to any of your family members that they will do something
4 favorable to you if you would just admit that you were guilty
5 of this crime?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: So the decision to sign the plea was one
8 that was voluntary?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Do you think it's in your best legal
11 interests?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: I'm going to talk about some of the
14 specifics of the plea agreement with you. I'm not going to go
15 over every word and paragraph. Your attorney has done that
16 with you, correct?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: I am going to go over some of the major
19 paragraphs, understanding every paragraph is important but a
20 few of the ones I want to highlight with you. Okay?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: In Paragraph 2 of the proposed agreement
23 you would change your plea from not guilty, which it now is,
24 to guilty. Understand the consequence of changing that plea
25 means you go from being presumed innocent of the law to the

1 position of being guilty in the eyes of the law; you
2 understand that's the impact of changing your plea?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: In Paragraph 2 of this agreement, you
5 plead guilty or would plead guilty to Count 1 of the second
6 superseding indictment. That charges you with a violation of
7 21 U.S.C. 841(a) and (b)(1)(A) and Section 846. Those are
8 just the fancy statutory references to the crime of conspiracy
9 to distribute 500 grams or more of a mixture or substance
10 containing a detectible amount of methamphetamine. Are you
11 aware that if I accept this plea agreement, you will be
12 admitting that you are guilty of that crime?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: In addition, you would be pleading
15 guilty to Counts 28 and 59 of the second superseding
16 indictment. They charge you with a violation of 18 U.S.C.
17 922(g)(3) and 924(a)(2). That's the crime of possession of a
18 firearm by a drug user. Are you aware that in this plea
19 agreement you plead guilty to both of those crimes?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: And that if I accept this plea
22 agreement, you will be deemed guilty of those crimes in the
23 eyes of the law?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Also in the agreement you forfeit to the

1 United States property that is described in Forfeiture
2 Allegations 4, 9 and 12 of the second superseding indictment.
3 Are you aware that by entering into this plea agreement you
4 admit that you knowingly committed the offenses, are guilty of
5 the offenses and that the property described in those
6 forfeiture allegations would be forfeited, any interest you
7 had in them would be forfeited?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: The U.S. Congress determines the
10 sentencing range for sentences, the statutory authorized
11 punishment we call it, and I want to make sure that you
12 understand what that is. For the violation of Count 1, which
13 is Count 1 of the second superseding indictment, that's the
14 conspiracy to distribute 500 grams or more of a mixture or
15 substance containing a detectible amount of methamphetamine,
16 the Congress has said the minimum penalty by statute that this
17 Court could impose is not less than ten years in prison, and
18 the maximum penalty the Court could impose is not more than
19 life in prison; that in addition your sentence would have not
20 less than five years of supervised release, up to a
21 \$10 million fine and a \$100 mandatory special assessment. Are
22 you aware that's the punishment for the Count 1, the 500 grams
23 or more of methamphetamine?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: That's a Class A felony under the law.

1 The other crimes, the Counts 28 and 29 (sic), the
2 firearms by a drug user, the maximum penalty the Court could
3 impose is not more than ten years in prison, not more than two
4 years of supervised release, a \$250,000 fine -- up to -- \$100
5 mandatory special assessment per felony due at the time of
6 sentencing, and that those crimes are Class C felonies. Are
7 you aware of that?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: As you noted that in the reading of the
10 statutorily authorized sentence, that's a pretty broad range.
11 Within that range it will be my decision -- or whichever judge
12 ends up being your sentencing judge and I expect it to be me;
13 unless something changes, it will be me -- to make that
14 decision and in making that decision we will consult the U.S.
15 Sentencing Guidelines. Have you had general discussion with
16 your lawyer about those guidelines?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: It will require me to assign an offense
19 level to your conduct based on numbers and guidelines
20 contained in this thick book here and it will require me to
21 assign a criminal history to you, and I have no idea what your
22 criminal history is. It could be anywhere from one to six on
23 the scale we use. Then we take your criminal history category
24 and your offense level and we apply it to a chart and that
25 tells us what your guideline sentence would be. That's the

1 same chart and numerical process used by every district judge
2 in the United States all across our country. What I want you
3 to know now is while I'm sure your lawyer has done his very
4 best to predict what your guideline might be, that there's no
5 way for us to know what your guideline sentence would be until
6 we see the presentence investigation report and I make a final
7 decision on some rulings of law, or at least they may be
8 necessary. So you understand that the predictions you've
9 received of your guideline sentence so far are best estimates
10 and not written in stone?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: In addition, under the sentencing laws
13 now in effect, a guideline sentence is adopted by me and that
14 is I calculate what it would be. But the law affords a judge
15 the opportunity to sentence you above the guideline or below
16 the guideline depending on lots of factors as long as we give
17 you a sentence that is one authorized by Congress. Do you
18 understand that?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: We are in federal court. People often
21 hear about people getting sentences to prison and then they
22 only serve a little part of it. I will tell you that's not
23 the federal system. We have no parole in the federal system.
24 When you receive a sentence, you will serve that sentence.
25 There may be a little good time possibility or something but

1 generally you're going to serve that sentence and there will
2 be no parole. Do you understand that?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: If on the day of your sentencing I give
5 you a sentence and you're disappointed by it -- and let me be
6 clear, I have no reason to believe that's going to happen. I
7 don't even know what your -- your presentence investigation
8 report hasn't even been written yet. But if it were to happen
9 and you be disappointed, I want to make sure you understand,
10 that wouldn't justify you trying to change the guilty plea you
11 entered today. Once you enter this guilty plea,
12 disappointment with your sentence isn't going to be grounds
13 for you to try to revoke it and go back to not guilty plea;
14 you understand that?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: I mentioned earlier that your sentence
17 would likely include -- it will include a period of supervised
18 release. Now, that's a period of time in the federal system
19 where after you've done whatever prison term you might be
20 required to serve, that you then have to answer to a probation
21 officer and follow rules that I will establish on the date of
22 your sentencing. Those rules not only include reporting to a
23 probation officer but they can include mandatory drug testing,
24 they can include some financial reporting, they can include
25 orders to go to counseling or rehab, orders to stay away from

1 other felons, all types of rules like that. If you fail to
2 follow those rules under the federal system, you can be sent
3 back to prison for a period of time. Do you understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: I mentioned to you earlier that you're
6 presumed innocent under the law. One way to give up that
7 presumption, of course, is a plea of guilty. The other way to
8 lose that presumption is to go to jury trial. So I want to
9 make sure you understand that you do have a right to jury
10 trial. That's important for our system that the record
11 reflect that you understood that. So you do have a right to a
12 jury trial to determine your guilt and innocence; do you
13 understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: At that jury trial you would have 12
16 jurors. All 12 would have to unanimously agree that you're
17 guilty before you would be deemed guilty in the eyes of the
18 law. Do you understand that?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: At that trial the burden would be on the
21 government to prove and convince those jurors beyond any
22 reasonable doubt of your guilt. Do you understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: At trial if you couldn't afford an
25 attorney, we would provide one for you and your lawyer would

1 get to cross-examine, impeach and confront every witness and
2 every item of evidence that the government would try to
3 introduce against you. Do you understand that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: At trial your lawyer would get to
6 present evidence on your behalf. If a witness was reluctant
7 to come and testify that your attorney thought would be
8 helpful for you, I could use the power of this court to try to
9 compel them to attend. In addition, you would have a right to
10 testify at your trial, but if you wanted to remain silent, I
11 would protect that right; I would not allow anyone to put you
12 on the stand or ask you questions and would even instruct the
13 jury that that shouldn't be held against you. Do you
14 understand those rights?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: At that trial if I were to make a
17 mistake of law or evidence, you would have the opportunity to
18 appeal me to the Eighth Circuit Court in St. Louis and try to
19 get my ruling reviewed. Do you understand that right?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: If I accept your pleas of guilty in this
22 plea agreement, then you understand your guilt will be
23 established and you'll be waiving all of those rights of jury
24 trial associated with determining whether you're guilty or
25 not? Do you understand that?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: All right. There's one other provision
3 in the agreement I want to go to before we talk about the
4 facts of the case, and that's Paragraph 15. In Paragraph 15
5 you waive certain appellate and post-conviction rights.
6 Appellate rights are to have my rulings reviewed and under
7 this you waive the right to raise certain issues on appeal.
8 You also waive the right to file certain post-conviction
9 lawsuits which defendants sometimes file to challenge their
10 conviction. Are you aware that you are waiving those rights
11 in this agreement?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: I want you to turn to Paragraph 3 of the
14 agreement. I know I do this out of order and I do it on
15 purpose because I want to cover all those other things before
16 we get to this.

17 In order to accept a guilty plea, I have to find
18 that the government has evidence that it could present to a
19 jury that if a jury believed that evidence would be sufficient
20 to find you guilty. That's called the factual basis for the
21 finding of guilt. In this agreement your attorney and the
22 government have carefully worded Paragraph 3 which starts on
23 page 2 of the agreement and goes all the way over to page 5.
24 It's the single-spaced part there. It talks about the
25 specific facts of the circumstances around your guilt and your

1 involvement in this particular conspiracy. I want you to make
2 sure that it's absolutely accurate because it has two
3 consequences. One is it allows me to find you guilty, and if
4 that's what you want to plead, that's fine, but the specifics
5 of what are in there can also affect your sentencing
6 guidelines. They can affect what number is assigned to your
7 offense level. So have you read Paragraph 3 very carefully?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Gone over it with your lawyer in detail?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: He's experienced and I would have
12 expected him to spend some time with you on that particular
13 paragraph.

14 Is there anything in Paragraph 3 or any of the
15 little single-spaced paragraphs contained in Paragraph 3 of
16 the agreement that you believe is inaccurate?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: Paragraph 3 assigns certain conduct to
19 you. Basically, it says you did certain things. Is there
20 anything that Paragraph 3 says you did that is inaccurate or
21 things that you didn't do? You want me to rephrase that?

22 MR. CANTIN: May I have just a second?

23 THE COURT: Yeah, go ahead.

24 MR. CANTIN: May I, Your Honor?

25 THE COURT: Go ahead.

1 MR. CANTIN: The hesitation here, Your Honor, is
2 that this paragraph does recite the overall conspiracy and the
3 roles of everyone else.

4 THE COURT: I understand what you're saying. Let me
5 narrow my question.

6 I'm interested in two things. One is is there
7 something in here about the conspiracy that you know to be
8 wrong? And I think you told me earlier there's nothing that
9 you know to be incorrect in here, correct?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Is there anything in here that it says
12 you did, things that you definitely would know about your
13 participation that is inaccurate?

14 MR. CANTIN: The only thing, Judge, and it's not
15 consequential, I believe, to the actual plea agreement or what
16 we're accomplishing here, but Kenna Harmon had made a
17 statement -- Kenna Harmon being the main target of this
18 investigation -- she make a statement that included her
19 description of things that Anthony did as it relates
20 specifically to methamphetamine, the drug itself. Tony has
21 disputed that. While I believe that Kenna Harmon said those
22 things and Tony believes that Kenna Harmon said those things,
23 he doesn't agree that she's being truthful.

24 THE COURT: Are those things contained in
25 Paragraph 3?

1 MR. CANTIN: I think they were just very briefly.

2 THE COURT: Let's point those out so they'll be
3 clear.

4 MR. CANTIN: And I apologize because there have been
5 several different revisions of this particular plea agreement
6 although I don't believe they were related to the factual
7 basis.

8 THE COURT: I don't want him to admit that he did
9 something if the only reason it's in here is because somebody
10 else says he did it and he denies doing it.

11 MR. CANTIN: Yes, sir, I understand.

12 It's not in this version, Your Honor. I apologize.

13 THE COURT: That's fine. Better to be sure --

14 MR. CANTIN: Yes, sir.

15 THE COURT: -- before we get into something
16 confusing later at sentencing.

17 So the answer to my question, then, are the things
18 in Paragraph 3, the conduct that it assigns to you,
19 Mr. Massoni, those are indeed things you admit you did?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: All right. Any further record under
22 Rule 11 which the government wants me to make?

23 MR. EGGERT: No, Your Honor. Thank you.

24 THE COURT: Anything further under Rule 11 the
25 defendant wants me to cover?

1 MR. CANTIN: No, Your Honor. Thank you.

2 THE COURT: Mr. Massoni, I have completed covering
3 the topics that I have to cover in order to fulfill my
4 responsibility and decide whether to accept this plea
5 agreement. After I have reviewed the information with you
6 concerning the plea agreement, do you still want this Court to
7 approve the plea agreement?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Do you still want to plead guilty to the
10 three crimes that you plead guilty to in the plea agreement?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: The Court finds that the defendant is
13 competent to have negotiated and entered into the plea
14 agreement and to participate in this hearing. The Court finds
15 that the plea agreement and pleas contained therein have been
16 entered by the defendant understandingly, knowingly and
17 voluntarily. The Court finds that the pleas have been entered
18 after the defendant received full, competent and capable
19 services and advice of legal counsel and after the defendant
20 has been fully advised of the consequences of entering the
21 guilty pleas contained in the plea agreement. The Court finds
22 that there is a factual basis for each of the guilty pleas
23 contained in the plea agreement. The Court therefore approves
24 the plea agreement and accepts defendant's plea of guilty to
25 the crime of conspiracy to distribute 500 grams or more of a

1 mixture or substance containing a detectible amount of
2 methamphetamine as charged in Count 1 of the second
3 superseding indictment. The Court accepts the guilty plea and
4 finds the defendant guilty of Counts 28 and 59 of the second
5 superseding indictment charging him with violation of 18
6 U.S.C. 922(g)(3) and 924(a)(2); that is, possession of a
7 firearm by a drug user. The Court upon proper motion will
8 file a preliminary forfeiture order. The Court is going to
9 order a presentence investigation now by the probation office.

10 Let me briefly tell you what's going to happen. The
11 probation office will write a report. You'll have the right
12 to have input into the report, if you want to. Sometimes
13 lawyers think it's better not to; that's between you and your
14 lawyer. It will tell me about your education, your
15 employment, your family, your mental health, your health, your
16 criminal history, your particular involvement in this crime,
17 largely probably what's in the plea agreement. Then they'll
18 do a calculation of the sentencing guidelines that I've talked
19 to you about.

20 When you get a copy of that report, your lawyer and
21 you will go over it. If you think there are inaccuracies in
22 it, normally contact the probation office and let them know
23 that. If those can't be worked out or if there's a
24 disagreement, then I rule on the day of your sentencing as to
25 any objections that are pending. That's one reason why nobody

1 can tell you exactly what the guidelines are going to say for
2 sure because we don't know what the report is going to say, we
3 don't know what objections your lawyer will file, and we don't
4 know how I would rule on those objections if he did file them.
5 So the best he could do is give you an estimate.

6 At your sentencing hearing I'm going to remind you
7 of what the statutorily authorized sentence is, then I'm going
8 to do the guideline calculation that I just mentioned, then
9 each of the lawyers will get an opportunity to argue factors
10 contained in the law at Title 18, Section 3553(a). That's a
11 lot of factors that a judge can consider because the law
12 requires me to sentence you to a sentence which is sufficient
13 but not greater than necessary to meet the objectives of the
14 sentencing laws. So there's a lot of factors that they can
15 argue, some they may not argue but I'll consider them anyway
16 in making my decision.

17 Then at your hearing I'll give you a chance to say
18 something to me, if you want to. Understand, it is not an
19 obligation, you don't have to say a word, and I'll not hold it
20 against you if you choose not to say anything, but if you want
21 to say something, I'll give you that right, I'll give you that
22 opportunity, but I want you to make sure that you've discussed
23 in detail with your lawyer what you plan to say before the
24 hearing so he can give you the benefit of his experience and
25 advice.

1 At the conclusion of your sentencing hearing, I'll
2 make a decision on what your sentence should be. I won't make
3 a decision until the conclusion of the hearing but obviously
4 between now and then I'll be reviewing briefs that will be
5 submitted by the attorneys, if any, sometimes letters are
6 submitted, references, things like that. I will have
7 considered everything before the hearing starts but I don't
8 make that final decision until we go through the process and I
9 get to hear everything everybody has to say. Okay?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Given the crime that you have admitted
12 to, I think I am now required to have you taken into custody.
13 You're prepared to do that today? You're aware of that?

14 THE DEFENDANT: Yes, Your Honor.

15 MR. CANTIN: We have discussed that, yes, sir.

16 THE COURT: I assume that's your position, isn't it,
17 Mr. Eggert?

18 MR. EGGERT: Oh, yes, it is, Your Honor. Thank you.

19 THE COURT: Given the crime, I assume.

20 MR. EGGERT: Yes.

21 THE COURT: So I'm going to now order that you be
22 placed in the custody of the marshals. You'll remain in their
23 custody until your sentencing. Then at sentencing, after
24 sentencing you'll remain in a local facility, I don't know
25 which one, it's up to them, but until your sentencing and then

1 after sentencing the Bureau of Prisons will assign you to a
2 facility to serve whatever prison time you would receive.

3 Okay?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: All right. Have the marshals take
6 custody of the defendant. We'll be in recess.

7 (Court stands in recess at 1:34 p.m.)

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CERTIFICATE OF OFFICIAL REPORTER

I, Jeannine M. Rankin, Federal Official Court Reporter,
in and for the United States District Court for the Western
District of Missouri, Southern Division, do hereby certify
that the foregoing is a true and correct transcript of the
stenographically reported proceedings.

/s/ Jeannine M. Rankin

Date: 03/30/17 Jeannine M. Rankin, CCR, CSR, RPR